

TOWING FEES AND ACCESS NOTICE

BAR GUIDANCE REGARDING RECENTLY PASSED LEGISLATION

The Bureau of Automotive Repair (BAR) has received numerous inquiries from the industry regarding how to comply with the provisions of Assembly Bill (AB) 519 (Solorio, Chapter 566, Statutes of 2010). The provisions of this bill are effective as of January 1, 2011. This document shall serve as guidance to Automotive Repair Dealers (ARD) on how to comply with the bill's provisions.

BILL REQUIREMENTS:

AB 519 requires a person that charges for towing a vehicle and/or storing a vehicle as related to a tow, to post a Towing Fee and Access Notice that provides customers knowledge of their rights and responsibilities as related to the tow and/or storage. Additionally, it requires the tow and/or storage company to comply with specific requirements regarding their hours of operation, customer payment information, and invoice requirements.

IMPACT ON ARD'S:

An ARD that either charges a consumer or pays a towing company directly for a customer's tow is subject to the requirements of AB 519 and must make available copies of the Towing Fee and Access Notice upon request. As required in AB 519, the Towing Fee and Access Notice must be a standardized document printed in 10-point font or larger. AB 519 specifically exempts ARD's that do not provide towing services from the requirement to post a copy of the Towing Fee and Access Notice.

Further, an ARD that does not provide the tow, and passes along, from the tower to the consumer, any of the information required on the itemized invoice, as defined in Vehicle Code Section 22651.07 (e), shall not be responsible for the accuracy of those items of information on the invoice that remain unaltered.

ARD's that do not charge for towing a vehicle and/or storing a vehicle as related to the tow are not subject to the bill's provisions.

ENFORCEMENT:

BAR does not have jurisdiction to discipline an ARD violating Section 22651.07 of the Vehicle Code. An ARD may be held civilly liable up to \$500 per vehicle for violations of this section of law.